

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL**

Contempt Petition No. 126 of 2006

Daya Krishan Sanwal
S/o Late Sri Teeka Ram Sanwal
Serving as Officiating Executive Engineer
Directorate of Medical, Health & Family Welfare
Uttaranchal, Dehradun ... Petitioner

Vs

1. Sri A.K. Jain, Principal Secretary
Department of Medical, Health & Family Welfare
Government of Uttarakhand
Dehradun
2. Dr. R.C. Arya, Director General
Medical, Health & Family Welfare
Government of Uttarakhand
Dehradun ... Respondents

Sri Manoj Tiwari, learned counsel for the petitioner

Hon'ble B.C. Kandpal, J.

This contempt petition has been filed by the petitioner on the ground that the respondents are flouting the order dated 27.03.2006 passed by this Court in Writ Petition No. 180 of 2005 (S/B).

2. The notices were issued to the respondents and the respondents have filed their responses. The response filed by the respondents reveal that on the basis of the recommendation made by the State Government, the State Government has promoted the petitioner to the post of Assistant Engineer vide Government Order dated 24.06.2006. The photocopy of the order has been annexed as Annexure C.A-1 to the affidavit filed by the respondents.

3. The direction issued by this Court vide judgment and order dated 27.03.2006 runs as follows:-

“Therefore, the respondents are directed to consider the case of the petitioner for promotion to the post of Assistant Engineer on which he is working an ad-hoc basis since 1989 within a period of one month from the date of production of certified copy of this order.”

5. Keeping of view the averments made in the counter affidavit filed by the respondents, it is quite clear that the direction issued by this Court has been complied with by the respondents.

6. In the aforesaid circumstances, this contempt petition has now rendered infructuous.

7. Learned counsel for the petitioner has submitted that the respondents have not taken into consideration the aspect with regard to the further promotion of the petitioner to the post of Executive Engineer.

8. This aspect of the matter is not open in the contempt petition, however, in case, if the petitioner has any grievance in this regard he may seek his redressal before the appropriate forum.

9. With the aforesaid observations, this contempt petition is dismissed being infructuous.

10. The notices issued to the respondents are hereby discharged.

(B.C. Kandpal, J.)

01.11.2006
ASWAL